FARAD CONTINUATION SHEET.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.1052/2005

Ketki Research Institute of Medical Science

...Versus...

Mrs. Smita w/o Manoj Jawade

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order

CORAM: **B.P. DHARMADHIKARI, J.**
DATED : **19.12.2005.**

1. Heard Advocate Shri A.S. Kilor for petitioner-employer and Advocate Shri V.S. Kukday for respondent sole.

2. The petitioner has challenged the order of Industrial court dated 17.12.2004 refusing to review its earlier order passed below exh.2 dated 25.2.2004 by which the petitioner has been permitted to pay subsistence allowance to the present respondent in accordance with provisions. This Court has on 16.3.2005 while issuing notice in the matter directed petitioner to deposit amount of Rs.15,000/-. The said amount

has been deposited in the office of this Court.

3. The complaint pending before the Industrial Court is of the year 2001. Grievance of respondent is about non-payment of subsistence allowance from February 2000 till this date. Learned Counsel for petitioner states that respondent did not mark his attendance as per condition of suspension order. He further states that in the Month of December 2004 respondent was called upon to join her duties, but respondent has failed to join accordingly. Advocate Shri Kukday disputes all these facts.

4. After hearing the learned Counsel for both parties, I find that it is not necessary at this stage to go into all these issues. According to learned Counsel for respondent, arrears of subsistence allowance till date works out to Rs.1,36,000/-. The amount of Rs.15,000/- is already deposited in this Court. Respondent is permitted to withdraw it. Out of balance amount of Rs.1,20,000/-, the petitioner shall deposit amount of Rs.60,000/- or amount found due after verification with the Industrial Court within a period of four weeks from today and after the amount is so deposited the Industrial court shall permit the present respondent to withdraw it. The Industrial Court shall thereafter proceed to decide the main complaint

on merits as early as possible and in any case before 30.6.2006.

5. The learned Counsel for petitioner states that the amount of Rs.1,36,000/- i.e. the total arrears of subsistence allowance due till date should be subject to verification of petitioner employer. The learned Counsel for respondent has no objection to said verification.

6. The amount to deposited shall be 50 per cent of the amount found due after such verification by parties.

7. In view of this order no other order is required to be passed in writ petition. The rival contentions of parties are kept open for consideration of Industrial court.

8. Writ Petition is disposed of accordingly. No costs.

JUDGE

SSW